

87th Legislative Session – 2012

Committee: House Judiciary

Wednesday, February 22, 2012

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
E Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman, Representative Roger Hunt.

MOTION: TO APPROVE THE MINUTES OF WEDNESDAY, FEBRUARY 15, 2012

Moved by: Gibson
Second by: Hansen (Jon)
Action: Prevailed by voice vote.

SB 76: revise certain provisions relating to the retirement of justices and judges.

Proponents: Representative Mark Kirkeby

MOTION: TO TABLE SB 76

Moved by: Abdallah
Second by: Turbiville
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Hunt

Excused: Feinstein, Gosch

The Chairman Representative Hunt passed the gavel to Representative Turbiville.

SB 53: permit the Department of Public Safety to require certain accident reports to be filed by electronic means.

Proponents: Lee Axdahl, Department of Public Safety
Staci Eggert, SD Sheriff's Association

MOTION: DO PASS SB 53

Moved by: Russell
Second by: Tornow
Action: Prevailed by roll call vote. (10-0-3-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville

Excused: Feinstein, Gosch, Hunt

MOTION: PLACE SB 53 ON CONSENT CALENDAR

Moved by: Nelson (Stace)
Second by: Kopp
Action: Prevailed by voice vote.

SB 68: provide that no statute of limitations applies to certain rape offenses.

Presented by: Senator Mark Johnston
Proponents: Jolene Loetscher, Self, Sioux Falls
Patty Brooks, The Compass Center
Marty Jackley, Office of the Attorney General
Carrie Gonsor, State's Attorneys Association

MOTION: DO PASS SB 68

Moved by: Abdallah
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 68 TO THE 41ST LEGISLATIVE DAY

Moved by: Russell
Second by: Tornow
Action: Failed by roll call vote. (4-7-2-0)

Voting Yes: Boomgarden, Killer, Russell, Tornow

Voting No: Abdallah, Gibson, Hansen (Jon), Kopp, Nelson (Stace), Turbiville, Hunt

Excused: Feinstein, Gosch

MOTION: CALL THE QUESTION

Moved by: Gibson
Second by: Abdallah
Action: Prevailed by voice vote.

THE MOTION TO DO PASS SB 68

Moved by: Abdallah
Second by: Gibson
Action: PREVAILED BY ROLL CALL VOTE. (7-4-2-0)

Voting Yes: Abdallah, Gibson, Hansen (Jon), Kopp, Nelson (Stace), Turbiville, Hunt

Voting No: Boomgarden, Killer, Russell, Tornow

Excused: Feinstein, Gosch

The gavel was returned to the Chair.

SB 156: establish strangulation as one element of the crime of aggravated assault.

Proponents: Matt Sargent, Self, Rapid City
Tracey Decker, Self, Rapid City (Handouts: #1)

Fred Magnavito, Self, Rapid City
Jacqi Galles, Self, Rapid City
Carrie Gonsor, State's Attorneys Association
Marty Jackley, Office of the Attorney General
Dianna Miller, SD Network Against Family Violence and Sexual Assault
Yvonne Taylor, SD Police Chief's Association

MOTION: DO PASS SB 156

Moved by: Gibson
Second by: Killer
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER SB 156 TO THE 41ST LEGISLATIVE DAY

Moved by: Boomgarden
Second by: Tornow
Action: Failed by roll call vote. (3-9-1-0)

Voting Yes: Boomgarden, Hansen (Jon), Tornow

Voting No: Abdallah, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Turbiville, Hunt

Excused: Gosch

MOTION: SUBSTITUTE MOTION DEFER SB 156 UNTIL NEXT MEETING, FRIDAY, FEBRUARY 24, 2012

Moved by: Russell
Second by: Nelson (Stace)
Action: Failed by roll call vote. (6-6-1-0)

Voting Yes: Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow

Voting No: Abdallah, Feinstein, Gibson, Killer, Turbiville, Hunt

Excused: Gosch

THE MOTION TO DO PASS SB 156

Moved by: Gibson
Second by: Killer

Action: PREVAILED BY ROLL CALL VOTE. (9-3-1-0)

Voting Yes: Abdallah, Feinstein, Gibson, Killer, Kopp, Nelson (Stace), Russell, Turbiville, Hunt

Voting No: Boomgarden, Hansen (Jon), Tornow

Excused: Gosch

SB 78: allow an arrest to be expunged when the criminal case is dismissed.

Presented by: Representative Mitch Fargen

Proponents: Senator Russell Olson

Lindsey Riter-Rapp, SD Association of Criminal Defense Lawyers

Marty Jackley, Office of the Attorney General

MOTION: DO PASS SB 78

Moved by: Gibson

Second by: Hansen (Jon)

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Hunt

Excused: Gosch

THE CHAIR DEFERRED SB 43 UNTIL FRIDAY, FEBRUARY 24, 2012

MOTION: ADJOURN

Moved by: Turbiville

Second by: Hansen (Jon)

Action: Prevailed by voice vote.

Bonnie Fischer
Committee Secretary

Roger W. Hunt, Chair